



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

January 5, 2016
(House Rules)

STATEMENT OF ADMINISTRATION POLICY

H.R. 1155 – Searching for and Cutting Regulations that are Unnecessarily Burdensome

Act of 2015

(Rep. Smith, R-MO, and 9 cosponsors)

The Administration is committed to ensuring that regulations are smart and effective, and tailored to further statutory goals in the most cost-effective and efficient manner. The retrospective review of regulations has been an ongoing priority of this Administration. Starting in 2011, the President institutionalized the retrospective review of regulations in Executive Orders 13563 and 13610, requiring agencies to report twice a year on the status of their efforts. H.R. 1155, the Searching for and Cutting Regulations that are Unnecessarily Burdensome Act, would make the process of retrospective regulatory review less productive. Further, the bill also would create needless regulatory and legal uncertainty; increase costs for businesses and State, local and tribal governments; and impede common-sense protections for the American public. Accordingly, the Administration strongly opposes House passage of H.R. 1155 in its current form.

Although outside input and perspective on what rules may be ripe for potential reform or repeal is crucial, retrospective review is most effective when led by the agencies. The bill's creation of a stand-alone commission to review the entire Code of Federal Regulations is likely to produce a haphazard list of rules that, under the procedures in the bill, must be repealed if approved by a joint resolution. There appears to be no mechanism for making thoughtful and modest modifications to rules to improve their implementation and enforcement, which is often the best course of action for making regulations work better. Moreover, the bill's "cut-go" approach is problematic: it would interfere with the ability of agencies to issue regulations that are essential for the protection of public health, safety, and the environment.

The Administration recognizes that the applicability of "cut-go" in H.R. 1155 is narrower than in other bills being considered in the Congress. Nonetheless, it is essential that agencies have the flexibility to promptly issue new, vital rules. This ability should not be constrained by a Commission's recommendation, or Congressional approval of a list of repealable rules. While retrospective review is an Administration priority and an essential tool to relieve unnecessary regulatory burden, it is important that retrospective review efforts not unnecessarily constrain an agency's ability to provide a timely response to critical public health or safety issues, or constrain its ability to implement new statutory provisions.

For these reasons, the Administration strongly opposes H.R. 1155 in its current form. If the President were presented with the current version of H.R. 1155, his senior advisors would recommend that he veto the bill.

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